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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,324	06/30/2003	Steven M. Casey	020366-091600US	4044

20350 7590 03/24/2005

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT PAPER NUMBER

2644

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/611,324

Applicant(s)

CASEY ET AL.

Examiner

Jefferey F Harold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The references listed in the Information Disclosure Statement submitted on June 30, 2003, November 6, 2003 and February 25, 2004 have been considered by the examiner (see attached PTO-1449).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowan et al. (United States Patent 6,299,526), hereinafter referenced as Cowan in view of "teleco powered products" Mike Sandman <http://web.archive.org/web/20030410200336/http://www.sandman.com/telco.html>, hereinafter referenced as Sandman.

Regarding **claim 1**, Cowan discloses a temperature for an enclosure. In addition, Cowan discloses a system for controlling the temperature in a NID that connects a communications channel in a communications network to a subscriber premises, the communications channel carrying communications signals to the subscriber premises, the system comprising: a temperature controlling device, and a power regulating circuit used for powering the temperature controlling device, however, Cowan fails to disclose receiving the communications signals and providing power from

the communications signals. However, the examiner maintains that it was well known in the art to provide receiving the communications signals and providing power from the communications signals, as taught by Sandman.

In a similar field of endeavor Sandman discloses telco powered products. In addition, Sandman discloses a teleco powered fan/cooler that is attached to the telco line to receive power used to charge a battery, which reads on "receiving the communications signals and providing power from the communications signals"

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cowan by specifically providing receiving the communications signals and providing power from the communications signals, as taught by Sandman, for the purpose of providing a reliable energy source.

Regarding **claim 2**, Cowen and Sandman disclose everything claimed as applied above (see claim 1), however, Cowan fails to disclose a storage device for storing the power that may be used for powering the temperature controlling device. However, the examiner maintains that it was well known in the art to provide a storage device for storing the power that may be used for powering the temperature controlling device, as taught by Sandman.

In addition, Sandman discloses a teleco powered fan/cooler that is attached to the telco line to receive power used to charge a battery, which reads on "a storage device for storing the power that may be used for powering the temperature controlling device".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cowan by specifically providing a storage device for storing the power that may be used for powering the temperature controlling device, as taught by Sandman, for the purpose of providing a reliable energy source.

Regarding **claim 3**, Cowen and Sandman disclose everything claimed as applied above (see claim 1), however, Cowan fails to disclose an auxiliary power source that may be used for powering the temperature controlling device when the power from the communications signals is insufficient for powering the temperature controlling device. However, the examiner maintains that it was well known in the art to provide an auxiliary power source that may be used for powering the temperature controlling device when the power from the communications signals is insufficient for powering the temperature controlling device, as taught by Sandman.

In addition, Sandman discloses a teleco powered fan/cooler that is attached to the telco line to receive power used to charge a battery, which reads on "an auxiliary power source that may be used for powering the temperature controlling device when the power from the communications signals is insufficient for powering the temperature controlling device".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cowan by specifically providing comprising an auxiliary power source that may be used for powering the temperature controlling device when the power from the communications signals is insufficient for powering the

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temperature controlling device, as taught by Sandman, for the purpose of providing a reliable energy source.

Regarding **claims 4-33**, they are obvious variation of claims 1-3 and the rejected cited above provides a bases for rejection that is applicable to claims 4-33, thus claims 4-33 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-3.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
March 1, 2005



Jefferey F Harold  
Examiner  
Art Unit 2644